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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,686	08/25/2003	Sharidan Lorraine Stiles	STILES.1C1CP1	3777
29995 7590 09/02/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
PRONE, JASON D				
ART UNIT		PAPER NUMBER		
3724				
NOTIFICATION DATE		DELIVERY MODE		
09/02/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/648,686

Applicant(s)

STILES, SHARIDAN LORRAINE

Examiner

Jason Daniel Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date 5-28-10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the applicant's amendment filed 5/28/10 and after the BPAI Decision mailed on 3/1/10, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

Claim Objections

1. Claims 12, 38, 39, and 40 are objected to because of the following informalities: in claims 12 (lines 8-9), 38 (lines 7-8), 39 (lines 7-8), and 40 (lines 8-9), the phrase "longitudinal axis of the handle" should be replaced with "longitudinal axis of the handle portion".

On line 17 of claim 38, the phrase "the razor head" should be replaced with "the head portion".

On lines 17-18 and 25-26 of claim 38, upon further review, the phrases "the extension angle faces the front of the razor" and "the contour angle faces the front of the razor" are not correct. Using the Figure below (marked up Figure 6A), the front of the razor is considered the line represented by the 3 "F" labels with the rear of the razor being labeled by "R". For example, when person 1 is facing the front of person 2, they would be face to face looking at one another. Angle A and angle C do not face the front of the razor. A direction that faces the front of the razor "F" is represented by Arrow 3. The angle A faces in the direction labeled Arrow 1 which clearly faces the rear of the razor "R" and is basically opposite of Arrow 3. The angle C also faces in a substantially opposite direction as Arrow 3 that can not be considered facing the front of the razor. Going back to the example, Arrow 1 relationship with "R" and "F" would be the

equivalent of person 1 facing the back of person 2. It is suggested that the phrases include the term "toward" inserted after the term "faces".

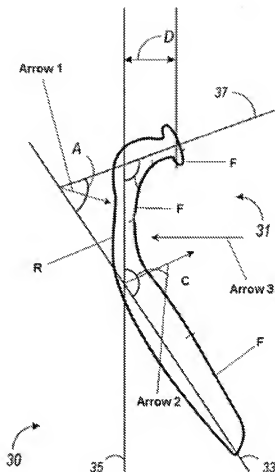
On line 22 of claim 38, the phrase "the end of said razor" should be replaced with "an end of said razor".

On line 17 of claim 39, the phrase "the razor head" should be replaced with "the head portion".

On line 22 of claim 39, the phrase "the end of said razor" should be replaced with "an end of said razor".

On lines 17-18 and 25-26 of claim 39, upon further review, the phrases "the extension angle faces the front of the razor" and "the contour angle faces the front of the razor" are not correct. Using the Figure below (marked up Figure 6A), the front of the razor is considered the line represented by the 3 "F" labels with the rear of the razor being labeled by "R". For example, when person 1 is facing the front of person 2, they would be face to face looking at one another. Angle A and angle C do not face the front of the razor. A direction that faces the front of the razor "F" is represented by Arrow 3. The angle A faces in the direction labeled Arrow 1 which clearly faces the rear of the razor "R" and is basically opposite of Arrow 3. The angle C also faces in a substantially opposite direction as Arrow 3 that can not be considered facing the front of the razor. Going back to the example, Arrow 1's relationship with "R" and "F" would be the equivalent of person 1 facing the back of person 2. It is suggested that the phrases include the term "toward" inserted after the term "faces".

Appropriate correction is required.



Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ordaz (6,473,971) in view of Lamb (D169,147) and Sokoloff (4,989,328), and further in view of Smith (4,335,509). Ordaz discloses the invention substantially as claimed including a

razor (title) with a handle portion (26), a head portion attached to the handle portion (22) and formed with at least one razor blade having a straight cutting edge (18) wherein the head portion and the razor blade are configured to permit shaving hair (title), the cutting edge is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the handle portion is capable of providing increased control over the head portion during shaving (22), and the handle portion has a front perspective (Figs. 1 and 3).

However, Ordaz fails to disclose the handle is ergonomic and the front perspective is substantially hour-glass in shape having a lower longitudinal portion of a first curved shape, a middle longitudinal portion of a second curved shape attached lengthwise to the first lower portion, and a waist portion formed between the first shaped and the second shape.

Lamb teaches it is old and well known in the art of razor handles to incorporate ergonomic handle with a front perspective that is substantially hour-glass in shape having a lower longitudinal portion of a first curved shape, a middle longitudinal portion of a second curved shape attached lengthwise to the first lower portion, and a waist portion formed between the first shaped and the second shape (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ordaz with the handle, as taught by Lamb, to allow for a better gripping surface and because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known

methods with no change in their respective function and the combination would have yielded predictable results.

However, Ordaz discloses the blade is pivotal (Figs. 5 and 6) but fails to disclose the head portion is pivotally mounted on the handle portion.

Sokoloff teaches it is old and well known in the art of beard/mustache razors to incorporate a head portion that is pivotally mounted on the handle portion (42, 44). Sokoloff also teaches it is old and well known in the art of beard/mustache razors for the blade to have the same length as the head portion (Figs. 5 or 6). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ordaz with the pivotal head portion, as taught by Sokoloff, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, Ordaz in view of Sokoloff fail to disclose the head portion is equal to $\frac{1}{2}$ inch wide.

In light of the head portion and the blade being the same length, Smith teaches it is old and well known in the art of beard/mustache razors to incorporate a blade that is equal to $\frac{1}{2}$ inch wide (column 3 lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ordaz in view of Sokoloff with the head portion length, as taught by Smith, because a smaller width allows for the razor to reach areas adjacent the mount, nose, and ears. The

substitution of one known element for another would have yielded predictable results, and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger (D259,743) in view of Sokoloff in view of Smith. Please see Figure A below for examiner added information to Hollinger. Hollinger discloses the invention substantially as claimed including a razor (title) with a handle portion having a lower (85), middle (86), and upper longitudinal portions (87), a head portion having a razor blade with a straight cutting edge attached to the upper longitudinal portion (88), the cutting edge is substantially perpendicular to a longitudinal axis of the handle (Fig. 5), the lower portion extends along a first axis (1st Axis), the middle portion extends along a second axis (2nd Axis), the upper portion extends along a third axis (3rd Axis), the second and third axes intersect at a single point and form a fixed extension angle that is less than or equal to ninety degrees (Extension Angle), the extension angle is defined by a portion of the second axis starting from the intersection of the second and third axes extending towards an intersection of the first and second axes and a portion of the third axes starting from the intersection of the second and third axes and extending toward the razor head (see Figure A below), the extension angle faces the front of the razor (Extension Angle), the first and second axes intersect at a single point and form a fixed contour angle that is less than 180° (Contour Angle), and the contour angle is defined by a portion of the first axis starting from the intersection of the first and second axes

and extending toward an end of the razor handle portion and a portion of the second axis starting from the intersection of the first and second axes and extending toward the intersection of the second and third axes (see Figure A below).

However, Hollinger fails to disclose the cutting edge extends beyond the head portion such that no portion of the razor extends beyond the cutting edge, and the cutting edge is unobstructed by any portion of the razor.

Sokoloff first teaches it is old and well known in the art of razors to incorporate cutting edge (89) that extends beyond the head portion such that no portion of the razor extends beyond the cutting edge (Figs. 6 and 7), the cutting edge is unobstructed by any portion of the razor (Figs. 6 and 7). It is also noted that one skilled in the art would have combined the head portion of Sokoloff with the handle of Hollinger as claimed by known methods and the result, due to the shape of the handle, would be an unobstructed blade edge. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Sokoloff, to allow for an ergonomic handled mustache/beard razor and because the substitution of one known element for another would have yielded predictable results, and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, Hollinger in view of Sokoloff does disclose a blade is smaller for more precise trimming (column 3 lines 5-7 of Sokoloff) but fail to disclose the head portion is equal to ½ inch wide.

Smith teaches it is old and well known in the art of beard/mustache razors to incorporate a blade that is equal to ½ inch wide (column 3 lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger in view of Sokoloff with the head portion length, as taught by Smith, because a smaller width allows for the razor to reach areas adjacent the mount, nose, and ears. The substitution of one known element for another would have yielded predictable results, and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

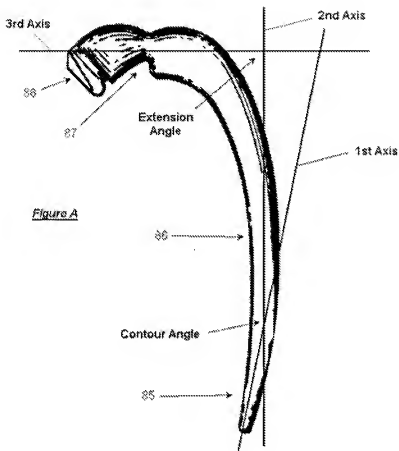


Figure A

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger (D259,743) in view of Sokoloff in view of Smith. Please see Figure B below for examiner added information to Hollinger. Hollinger discloses the invention substantially as claimed including a razor (title) with a handle portion having a lower (85), middle (86), and upper longitudinal portions (87), a head portion having a razor blade with a straight cutting edge attached to the upper longitudinal portion (88), the cutting edge is substantially perpendicular to a longitudinal axis of the handle (Fig. 5), the lower portion extends along a first axis (1st Axis), the middle portion extends along a second axis (2nd Axis), the upper portion extends along a third axis (3rd Axis), the second and third

axes intersect at a single point and form a fixed extension angle that is greater than ninety degrees (Extension Angle), the extension angle is defined by a portion of the second axis starting from the intersection of the second and third axes extending towards an intersection of the first and second axes and a portion of the third axes starting from the intersection of the second and third axes and extending toward the razor head (see Figure A below), the extension angle faces the front of the razor (Extension Angle), the first and second axes intersect at a single point and form a fixed contour angle that is less than 180° (Contour Angle), and the contour angle is defined by a portion of the first axis starting from the intersection of the first and second axes and extending toward an end of the razor handle portion and a portion of the second axis starting from the intersection of the first and second axes and extending toward the intersection of the second and third axes (see Figure A below).

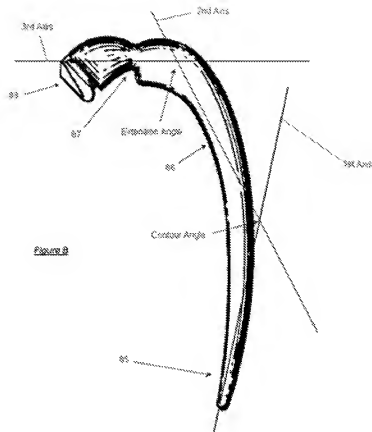
However, Hollinger fails to disclose the cutting edge extends beyond the head portion such that no portion of the razor extends beyond the cutting edge, and the cutting edge is unobstructed by any portion of the razor.

Sokoloff first teaches it is old and well known in the art of razors to incorporate cutting edge (89) that extends beyond the head portion such that no portion of the razor extends beyond the cutting edge (Figs. 6 and 7), the cutting edge is unobstructed by any portion of the razor (Figs. 6 and 7). It is also noted that one skilled in the art would have combined the head portion of Sokoloff with the handle of Hollinger as claimed by known methods and the result, due to the shape of the handle, would be an unobstructed blade edge. Therefore, it would have been obvious to one of ordinary skill

in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Sokoloff, to allow for an ergonomic handled mustache/beard razor and because the substitution of one known element for another would have yielded predictable results, and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, Hollinger in view of Sokoloff does disclose a blade is smaller for more precise trimming (column 3 lines 5-7 of Sokoloff) but fail to disclose the head portion is equal to ½ inch wide.

Smith teaches it is old and well known in the art of beard/mustache razors to incorporate a blade that is equal to ½ inch wide (column 3 lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger in view of Sokoloff with the head portion length, as taught by Smith, because a smaller width allows for the razor to reach areas adjacent the mount, nose, and ears. The substitution of one known element for another would have yielded predictable results, and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.



6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ordaz in view of Lamb and Sokoloff further in view of Smith. Ordaz discloses the invention substantially as claimed including a razor (title) with a handle portion (26), a head portion attached to the handle portion (22) and formed with at least one razor blade having a straight cutting edge (18) wherein the head portion and the razor blade are configured to permit shaving hair (title), the cutting edge is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the handle portion is capable of providing increased control over the head portion during shaving (22), the handle portion has a front perspective (Figs. 1 and 3), wherein the cutting edge extends beyond the head

portion such that no portion of the razor extends beyond the cutting edge (Fig. 2), and the cutting edge is unobstructed by any portion of the razor (Fig. 2).

However, Ordaz fails to disclose the handle is ergonomic and the front perspective is substantially hour-glass in shape having a lower longitudinal portion of a first curved shape, a middle longitudinal portion of a second curved shape attached lengthwise to the first lower portion, and a waist portion formed between the first shaped and the second shape.

Lamb teaches it is old and well known in the art of razor handles to incorporate ergonomic handle with a front perspective that is substantially hour-glass in shape having a lower longitudinal portion of a first curved shape, a middle longitudinal portion of a second curved shape attached lengthwise to the first lower portion, and a waist portion formed between the first shaped and the second shape (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ordaz with the handle, as taught by Lamb, to allow for a better gripping surface and because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, Ordaz fails to disclose the head portion is equal to $\frac{1}{2}$ inch wide.

Sokoloff first teaches it is old and well known in the art of beard/mustache razors for the blade to have the same length as the head portion (Figs. 5 or 6). Therefore, in

light of the head portion and the blade being the same length, Smith teaches it is old and well known in the art of beard/mustache razors to incorporate a blade that is equal to ½ inch wide (column 3 lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ordaz with the head portion length, as taught by Sokoloff in view of Smith, because a smaller width allows for the razor to reach areas adjacent the mouth, nose, and ears. The substitution of one known element for another would have yielded predictable results, and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Response to Arguments

Applicant's arguments with respect to claims 12, 38, 39, and 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724
August 25, 2010

/DONALD T HAJEC/
Director, Technology Center 3700